

### **REMARKS**

Reconsideration of the application as amended is respectfully requested.

#### **Rejection under Section 112**

The rejection of claims 1-14 as being indefinite is respectfully traversed. It is in error for at least the following reasons.

The examiner contends that claims 14 are indefinite because “it is not clear as to what happens ‘if the set of offers does not include at least one offer that meets any of the preferred requested terms.’”

Applicants maintain that the claim is definite for the reasons set forth in the prior response. Furthermore, with respect to claims 13 and 14, the limitation quoted by the examiner is found only in claims 1 and 11, but not independent claims 10, 13 and 14. No substantially similar “contingencies,” as the examiner contends they are, are found in claims 10, 13 and 14. The examiner has thus provided no explanation of why claims 10, 13 and 14 have been rejected, it is submitted that the examiner has not made a *prima facie* case of indefiniteness for claims 10, 13 and 14 for at least this additional reason.

Nevertheless, claims 1 and 11 have been amended to address the issues raised by the examiner without narrowing or limiting the scope of the subject matter. It is therefore respectfully requested that the rejection of claims 1-14 under Section 112 be withdrawn.

#### **Rejection under Section 101**

The rejection of claims 1-14 under section 101 is respectfully traversed.

Applicants maintains that all claims none of the claims 1 to 14 are directed to a judicial exception under section 101, and therefore the inquiry as whether the claimed subject matter constitutes a practical application is unnecessary. Claims 1 to 10 are directed to computer implemented processes. Claims 11 and 13 are directed to a system with an interface and a processor. Claims 12 and 14 is directed to a computer readable medium.

The examiner also continues to confuse indefiniteness with subject matter eligibility. He states that “contingencies” in the claimed subject matter noted in the section 112 rejection mean the subject matter does not produce a “useful, concrete and tangible result.” However, such

reasoning is a fallacy; indefiniteness and subject matter eligibility are not linked. Any alleged indefiniteness in the expression of the claim language does not deprive the subject matter of being capable of producing a “useful, concrete and tangible result.”

Nevertheless, rather than expending further effort to explain the fundamental legal errors being committed by the examiner, suffice it to say that, as previously explained, claims 1 and 11 have been amended in a manner that addresses the alleged “contingencies.” Therefore, the amendments presumably also address the perceived issues the examiner has with claims 1-11 under section 101. Furthermore, as already alluded to, claims 10, 13 and 14 do not, in fact, suffer from the alleged “contingencies” noted by the examiner and, on top of that, contain the limitations that could not be more tangible. Claim 13 expressly requires an interface and a processor. Claims 12 and 14 are each directed to a computer readable medium. Therefore, the continued rejection of claims 10, 13 and 14 under section 101 is manifestly in error. The rejection of claims 1-14 under section 101 should therefore be withdrawn for at least these reasons.

Applicant believes this application is now in allowable form. Applicant hereby authorizes the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153. The examiner is respectfully requested to call the attorney of record for any reasons that would advance the current application to issue. Please reference attorney docket no. 132438-1014.

Respectfully submitted,  
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